2408.

SUPREME COURT OF THE UNITED STATES.

No. 260.

THE UNITED STATES, APPELLANTS,

vs.

FREDERICK D. CONRAD, ADMINISTRATOR OF WILLIAM WIKOFF, DECEASED.

APPEAL FROM THE DISTRICT COURT, U. S., FOR LOUISIANA.

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2409.

United States district court, eastern district of Louisiana, sitting in chancery.

F. D. CONRAD, administrator, &c.
vs.
The UNITED STATES. } No. 39.

Be it remembered, that heretofore, to wit, on the 15th of June, being the May term, A. D. 1846, of the said court, F. D. Conrad, administrator of the estate of William Wikoff, deceased, by his solicitors, T. G. Morgan and J. W. Gurley, esquires, came into the office of the clerk of said court and filed his petition, which is in the words and figures following, to wit:

To the honorable the judge of the United States district court, in and for the State and district of Louisiana.

The petition of Frederick D. Conrad, residing in Baton Rouge, La., respectfully represents: that he is the duly appointed administrator, and as such the legal representative of the estate of William Wikoff, late of the town and State aforesaid, deceased. That at the decease of said William Wikoff he was the true and legal owner of two several tracts of land, the one lying on the Amite river, in the parish of St. Helena, La., and containing twenty thousand arpents; the other lying on the river Tickfaw and Jose's branch, in the parish of St. Helena, La., and containing five thousand arpents; the first and larger of said tract is marked, fixed, and designated by metes and bounds as follows: Beginning on the east side of the river Amite, at the mouth of Buck's creek, running thence E. 400 perches to a hickory; thence N. 818 perches to a pine; thence E. 400 perches to a dogwood; thence S. 860 perches to a black gum; thence E. 138 perches to a holly, on the west bank of Darling's creek; thence down said creek, with the meanders of the same, to a beech on the east bank, below Black creek; thence S. 1829 perches to a pine; thence W. 200 perches to an iron wood; thence S. 100 perches to a beech; thence W. 250 perches to a bay; thence S. 250 perches to a holly, on the bank of Kneeland's creek; thence down said creek, with the meanders of the same, to its junction with the Amite; thence up said river to the place of beginning. The second and smaller of the aforesaid tracts, is ascertained and designated by the following metes and bounds: Beginning at a bay tree, on the west bank of the Tickfaw river, below Corker's; thence W. 700 perches to a white oak; thence S. 715 perches to a hickory; thence east 699 perches to a beech, on the bank of the Tickfaw; thence up said river, with the meanders of the same, to the place of beginning; all which will more fully appear from the surveys made of said tracts, on the 20th day of December, 1803, and on the 24th December, 1803, by J. Johnson, in compliance with an official order of Carlos Trudeau, surveyor general, of date, eighth October, 1803, (under instructions from the intendent general,) to Vincente Seb.

Pintado, and under the direction of said Pintado, and by him recognised and approved on the third of January, 1804; all which will be fully shown by evidence to be adduced on the trial of this cause. Said Wikoff became the proprietor and owner of the said two several tracts of land, in virtue of a concession or sale and order of survey, legally made, granted, or issued, by the proper authorities of the province of Louisiana, then under the dominion of the Crown of Spain, to wit, by the intendent general of said province, Juan Ventura Morales, on the first of October, 1803. Said Wikoff being then, and long subsequently a resident of said province. Said concession or sale was made in compliance with an application of said Wikoff, made to the intendent general, Juan Ventura Morales, on the twenty-eighth September, 1803; that said concession, or sale and order of survey, so made as aforesaid, might have been perfected into a complete title under and in conformity to the laws, usages, and customs of the government under which it originated, had not the sovereignty of the country been transferred to the United States; and that the same was protected and secured by the treaty, concluded on the 30th of April, 1803, between the United States of America and the French republic.

Your petitioner represents that the United States claim a large portion, if not the whole, of said lands; and he prays, that should it hereafter be ascertained that there are adverse claimants in possession of any portion thereof, he may be allowed to have them cited, and made parties defendant herein. And, further, that he be permitted to introduce in evidence on the trial of this cause the documents herein mentioned, and all others, in any manner tending to the establishment of his claims. And, in connection with the foregoing, your petitioner begs leave to submit to the equitable consideration of this honorable court, that without any laches or neglect on his part, he was wholly unapprized of the existence of these claims, until within a very few days of the institution of this action. Petitioner is not aware that the titles herein set forth have ever been examined or inquired into by any board of commissioners appointed for such purposes. The premises considered, he prays, that in accordance with an act of Congress, approved 26th May, 1824, entitled an act enabling claimants to lands within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims, and of an act approved 17 June, 1844, entitled an act to provide for the adjustment of land claims within the States of Missouri, Arkansas, and Louisiana, and in those parts of the States of Mississippi and Alabama south of the thirty-first degree of north latitude, and between the Mississippi and Perdido rivers." The United States district attorney, in and for the district and State of Louisiana, may be cited to appear and answer on behalf of the United States the prayer of this petition; and that, after due investigation, the claims herein set forth may be adjudged good and valid against the United States of America; and

further prays for all such other and general relief as the equity of his case may require or the law allow; and he will ever pray, &c., &c.

(Signed) T. G. MORGAN,
And J. W. GURLEY, *Solicitors.*

And further, at the same term, and on the same day, the following citation in chancery was issued from the office of the clerk of said court in this case:

United States district court, sitting in and for the district of Louisiana, to the marshal for the district of Louisiana, or his lawful deputy, greeting:

You are hereby commanded to summon S. W. Downs, United States district attorney, to appear before the honorable judge of the district court of the United States, sitting in and for the district of Louisiana, at a district court to be holden at New Orleans on the first Monday of July, 1846, then and there to answer a petition in chancery filed against the United States, wherein F. D. Conrad, administrator, &c., is petitioner, and the United States is defendant.

Herein fail not, and have you then and there this writ, with your endorsement thereon, how you have executed the same.

Witness the honorable T. H. McCaleb, judge, this 15th day of June, New Orleans, 1846, and 70th year of American independence.

[SEAL.]

(Signed) L. E. SIMONDS, *D'y. clerk.*

Memorandum.

The defendant is to enter an appearance in the above cause in the clerk's office, on or before the first Monday of July, 1846, otherwise the petition may be taken pro confesso.

(*Marshal's return on the foregoing citation.*)

Received this 15th day of June, 1846, and on the same day I served copies of the within citation, plaintiff's petition, and documents annexed, on the within named S. W. Downs, esq., United States district attorney, in the manner following, to wit, in person at New Orleans. Returned same day.

(Signed) F. W. WAGNER, *U. S. marshal.*

And afterwards, at the May term of this court, to wit, on the 25th November, 1846, the following answer of the defendants was filed of record in this case:

F. D. CONRAD, administrator, &c.,
vs.
The UNITED STATES.

In the United States district court, for the district of Louisiana.

The answer of the United States, the defendants in the above named

Pintado, and under the direction of said Pintado, and by him recognised and approved on the third of January, 1804; all which will be fully shown by evidence to be adduced on the trial of this cause. Said Wikoff became the proprietor and owner of the said two several tracts of land, in virtue of a concession or sale and order of survey, legally made, granted, or issued, by the proper authorities of the province of Louisiana, then under the dominion of the Crown of Spain, to wit, by the intendent general of said province, Juan Ventura Morales, on the first of October, 1803. Said Wikoff being then, and long subsequently a resident of said province. Said concession or sale was made in compliance with an application of said Wikoff, made to the intendent general, Juan Ventura Morales, on the twenty-eighth September, 1803; that said concession, or sale and order of survey, so made as aforesaid, might have been perfected into a complete title under and in conformity to the laws, usages, and customs of the government under which it originated, had not the sovereignty of the country been transferred to the United States; and that the same was protected and secured by the treaty, concluded on the 30th of April, 1803, between the United States of America and the French republic.

Your petitioner represents that the United States claim a large portion, if not the whole, of said lands; and he prays, that should it hereafter be ascertained that there are adverse claimants in possession of any portion thereof, he may be allowed to have them cited, and made parties defendant herein. And, further, that he be permitted to introduce in evidence on the trial of this cause the documents herein mentioned, and all others, in any manner tending to the establishment of his claims. And, in connection with the foregoing, your petitioner begs leave to submit to the equitable consideration of this honorable court, that without any laches or neglect on his part, he was wholly unapprized of the existence of these claims, until within a very few days of the institution of this action. Petitioner is not aware that the titles herein set forth have ever been examined or inquired into by any board of commissioners appointed for such purposes. The premises considered, he prays, that in accordance with an act of Congress, approved 26th May, 1824, entitled an act enabling claimants to lands within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims, and of an act approved 17 June, 1844, entitled an act to provide for the adjustment of land claims within the States of Missouri, Arkansas, and Louisiana, and in those parts of the States of Mississippi and Alabama south of the thirty-first degree of north latitude, and between the Mississippi and Perdido rivers." The United States district attorney, in and for the district and State of Louisiana, may be cited to appear and answer on behalf of the United States the prayer of this petition; and that, after due investigation, the claims herein set forth may be adjudged good and valid against the United States of America; and

further prays for all such other and general relief as the equity of his case may require or the law allow; and he will ever pray, &c., &c.

(Signed) T. G. MORGAN,
And J. W. GURLEY, *Solicitors.*

And further, at the same term, and on the same day, the following citation in chancery was issued from the office of the clerk of said court in this case:

United States district court, sitting in and for the district of Louisiana, to the marshal for the district of Louisiana, or his lawful deputy, greeting:

You are hereby commanded to summon S. W. Downs, United States district attorney, to appear before the honorable judge of the district court of the United States, sitting in and for the district of Louisiana, at a district court to be holden at New Orleans on the first Monday of July, 1846, then and there to answer a petition in chancery filed against the United States, wherein F. D. Conrad, administrator, &c., is petitioner, and the United States is defendant.

Herein fail not, and have you then and there this writ, with your endorsement thereon, how you have executed the same.

Witness the honorable T. H. McCaleb, judge, this 15th day of June, New Orleans, 1846, and 70th year of American independence.

[SEAL.]

(Signed) L. E. SIMONDS, *D'y. clerk.*

Memorandum.

The defendant is to enter an appearance in the above cause in the clerk's office, on or before the first Monday of July, 1846, otherwise the petition may be taken pro confesso.

(*Marshal's return on the foregoing citation.*)

Received this 15th day of June, 1846, and on the same day I served copies of the within citation, plaintiff's petition, and documents annexed, on the within named S. W. Downs, esq., United States district attorney, in the manner following, to wit, in person at New Orleans. Returned same day.

(Signed) F. W. WAGNER, *U. S. marshal.*

And afterwards, at the May term of this court, to wit, on the 25th November, 1846, the following answer of the defendants was filed of record in this case:

F. D. CONRAD, administrator, &c.,
vs.
The UNITED STATES.

In the United States district court, for the district of Louisiana.

The answer of the United States, the defendants in the above named

cause, respectfully shows, that they deny all and singular the facts and allegations in the plaintiff's petition contained.

Wherefore they pray that plaintiff's petition be dismissed at his cost.

(Signed) THOMAS J. DURANT,
Attorney United States.

And afterwards, at the May term of this court, to wit, on the 23d of November, 1848, the plaintiff came into the office of the clerk of this court, and filed of record the following supplemental petition, which is in the words and figures following, to wit:

F. D. CONRAD, administrator, &c.,
vs.
The UNITED STATES.

To the honorable the judge of the United States district court, in and for the district and State of Louisiana.

The supplemental petition of Frederick D. Conrad, administrator of the estate of William Wikoff, deceased, leave of court first being had and obtained, respectfully represents, that since the filing of the original petition in this case, your petitioner has ascertained that there are divers persons claiming title under the United States, who are actually in possession of large portions of the lands claimed by petitioner, as being the property of the estate of said Wikoff; that the names of such persons are: Wilfred Williams, Rebecca Williams, heirs of J. Hooper, D. Williams, J. Carroll, New Orleans Gas Light and Banking Company, heirs of Lea, John Morgan, Daniel Youngblood, City Bank of New Orleans, B. Abbot, Mrs. Harvin, heirs of Latimore, John Burton, heirs of Leonard, heirs of Roddy, Jesse Story, Goodram Davis, Nathaniel Cox, Robert Fluker, sr., Amos Kent, Robert Flucker, jr., Ann Roddy, Mrs. McClusky, Henry Leonard, Hezekiah Thompson, Walthral Burton, P. Pipkin, Thomas Clinton, G. W. Hatch, Z. Norwood, Zachariah Nettles, Rollins, and James Lilly; that the extent of their several claims, so far as your petitioner has been enabled to ascertain them at present, is more particularly set forth in the schedules B and C, hereto annexed for reference; wherefore, petitioner prays that the said persons, all of whom are residents of the parish of St. Helena, State of Louisiana, except John Morgan, who resides at Clinton, in the parish of East Feliciana, Louisiana, and the City Bank of New Orleans, and the New Orleans Gas Light and Banking Company, bodies corporate of the State of Louisiana, whose principal establishment is in the city of New Orleans, may be made parties to this suit, and be cited according to law; and that a copy hereof may be served on the United States district attorney, in and for the district and State of Louisiana, and that after due proceedings had judgment be rendered as prayed in the original petition.

(Signed) T. G. MORGAN,
J. W. GURLEY, *Solicitors.*

(*Judge's order on the foregoing supplemental petition.*)

Let this supplemental petition be filed.

(Signed) THEO. H. McCALEB, *U. S. judge.*

Schedule B, referred to in the supplemental petition.

[For plat, see original, between pages 7 and 8.]

SURVEYOR GENERAL'S OFFICE,
DONALDSONVILLE, LA., *7th Feb'y*, 1848.

The above diagram represents portions of T. 1 S., R. 4 E., T. 2 S., R. 4 E., T. 3 S., R. 4 E., in the Greensburg district, Louisiana, upon which I have caused to be represented as near as practicable the claim of Don. Guillaume Wikoff, for 20,000 arpens as is represented on a copy of said claim, as said representation made (in blue shaded lines) at the request of Henry Waller, esq.

(Signed) P. T. LANDRY,
Sur. Gen., La.

Schedule marked "C," referred to in the foregoing supplemental petition.

List of the present occupants within the 20,000 arpens tract, with the sectional numbers as shown in plat marked B.

Names.	No. of Section.
Wilfred Williams	57
Rebecca Williams	56
Heirs of J. Hooper	51
D. Williams and J. Carrol	50
New Orleans Gas Light and Banking Company	46
Heirs of Lea	44
John Morgan	40
Wilfred Williams and Daniel Youngblood	39
Daniel Youngblood	37
City Bank of New Orleans	69
B. Abbot	64
Mrs. Harvin	63
Mrs. Harvin	61
Heirs of Latimore	55
John Burton	57
Heirs of Leonard	49
Heirs of Roddy	48
Jesse Story	39
Goodram Davis	43
Goodram Davis	41
Nathaniel Cox	40
Robert Fluker, sr., Amos Kent, and Robert Fluker, jr.	37
Ann Roddy	75
Mrs. McClusky	72

Names.	No. of Sections.
Henry Leonard - - - -	Certificate No. 611
Hezekiah Thompson - - - -	71
Walthal Burton - - - -	65
Walthal Burton - - - -	64
P. Pipkin - - - -	52
Thomas Clinton - - - -	44
G. W. Hatch - - - -	43
G. W. Hatch - - - -	53
Z. Norwood - - - -	37
Zachariah Nettles - - - -	45
Rollins - - - -	36
James Lilly - - - -	48

And afterwards, at the same term, 1848, to wit, on the 24th of November, the following citation in chancery, to the U. S. dist. attorney, and 34 persons made defendants by the supplemental petition, was issued from the office of the clerk of this court in this case:

United States of America, the President of the United States, to the marshal for the district of Louisiana, greeting:

You are hereby commanded to summon Wilfred Williams, Rebecca Williams, the heirs of J. Hooper, D. Williams, J. Carrol, N. O. Gas Light and Banking Co., heirs of Lea, John Morgan, Dan. Youngblood, City Bank of N. O., B. Abbot, Mrs. Harvin, heirs of Latimore, John Burton, heirs of Leonard, heirs of Roddy, Jesse Story, Goodram Davis, Nathaniel Cox, Robt. Fluker, sr., Amos Kent, Robt. Fluker, jr., Ann Roddy, Mrs. McClusky, Henry Leonard, Hezekiah Thompson, Walthal Burton, P. Pipkin, Thomas Clinton, G. W. Hatch, L. Norwood, Zachariah Nettles, Rollins, James Lilly, and the U. S. district attorney for La., to appear before the honorable the judge of the district court of the United States for Louisiana, at a district court to be holden at New Orleans, on the first Monday of January, 1849; then and there to answer a petition and supp. petition in chancery filed against the U. S., wherein Fred. D. Conrad, administrator, is plaintiff and complainant, and said United States of America, are defendants, answer to be filed in the office of the clerk of said court, before the said first Monday of January, 1849, else the said petition and supp. petition may be taken pro confesso. Herein fail not, and have you then and there this writ, with your endorsement thereon, how you have executed the same.

Witness the honorable Theo. H. McCaleb, judge of the district court of the United States, for Louisiana, this the 24th day of November, in the year of our Lord one thousand eight hundred and forty-eight, and the 73d year of American independence.

(Signed) ROBT. M. LUSHER,
D'y clerk. [SEAL.]

(*Marshal's return on the foregoing citation.*)

Received the 28th November, 1848, and served copies of citation, petition, and supplemental petition, on the parties, at the times and places, and in the manner following, viz.:

On Thomas J. Durant, esq., U. S. district attorney, in person, at New Orleans, on the 28th Nov., 1848.

On James Lilly, in person, at the same time and place.

On James Robb, president of the New Orleans Gas Light and Banking Company, in person, at N. Orleans, on the 30th Nov., 1848.

On Sam'l J. Peters, president of the City Bank of New Orleans, in person, at New Orleans, the 28th Nov., 1848.

On G. W. Hatch, in person, on the 8th Dec., 1848, in the parish of St. Helena, 170 miles from New Orleans.

On Wilfred Williams, in person, on the same day, and in the same parish, 170 miles distance from N. Orleans.

On Rebecca Williams, in person, same day, same parish, 160 miles distance from N. Orleans.

On D. Williams, in person, same day, same parish, 160 miles distance from N. Orleans.

On Hiram Williams, one of the heirs of J. Hooper, in person, same day, same parish, 160 miles from N. Orleans.

On James L. Latimore, one of the heirs of Latimore, in person, same day, same parish, 170 miles from N. Orleans.

On H. Leonard, one of the heirs of Leonard, in person, same day, same parish, 170 miles from N. Orleans.

On H. Roddy, one of the heirs of Roddy, in person, same day, same parish, 170 miles from New Orleans.

On Ann Roddy, by leaving same at her domicil in the parish of St. Helena, 180 miles from New Orleans, in the hands of H. Roddy, a white person, over 14 years of age, living in the same house, said Ann being at the time absent, on the 8th Dec., 1848.

On Henry Leonard, in person, on the 8th Dec., 1848, in the parish of St. Helena, 170 miles from New Orleans.

On Mrs. McCluskey, in person, same day, same parish, 170 miles from New Orleans.

On Robert Fluker, jun'r, in person, same day, same parish, 170 miles from N. Orleans.

On Robert Fluker, sen'r, on same day, same parish, by leaving same at his domicil with George Fluker, a free person, over 14 years of age, living in the same house.

On Amos Kent, in person, on the 8th Dec'r, 1848, in the parish of St. Helena, 170 miles from New Orleans.

On Goodman Davis, in person, same day, same parish, 170 miles from New Orleans.

On Samuel Story, administrator of Jesse Story, in person, same day, same parish, 170 miles from New Orleans.

On Hezekiah Thompson, in person, same day, same parish, 170 miles from New Orleans.

On Thomas Clinton, in person, on the 9th Dec'r, 1848, same parish, 180 miles from New Orleans.

On Z. Norwood, in person, same day, (9th,) same parish, 180 miles from New Orleans.

On John Burton, in person, same day, same parish, 180 miles from New Orleans.

On Walthal Burton, in person, same day, same parish, 180 miles from New Orleans.

On B. Abbot, in person, same day, same parish, 190 miles from New Orleans.

On Daniel Youngblood, in person, same day, same parish, 170 miles from New Orleans.

On John Morgan, in person, same day, same parish, 190 miles from New Orleans.

On J. Carrol, in person, the 8th Dec'r, 1848, in the parish of St. Helena, 190 miles from New Orleans.

On Mrs. Harvin, in person, same day, same parish, 175 miles from New Orleans.

On P. Pipkin, in person, the 9th Dec'r, 1848, same parish, 170 miles from New Orleans.

On Zachariah Nettles, in person, the 8th December, 1848, same parish, 170 miles from New Orleans.

The heirs of Lea Rollins and Nathaniel Cox could not be found, after diligent search and inquiry.

To which effect I make this return, the 31st January, 1849.

(Signed) W. F. WAGNER,
U. S. marshal.

And afterwards, at the December term, 1848, of this court, to wit, on the 2d of January, 1849, the following supplemental answer of the United States was filed of record in this case:

In the district court of the United States, for the district of Louisiana, before the hon. Theo. H. McCaleb, judge.

FREDERICK D. CONRAD, administrator and complainant, vs. THE UNITED STATES. } No. 39.

The supplemental answer of Thomas J. Durant, attorney of the United States for the district of Louisiana, to the bill of complaint and petition, and to the supplemental bill of complaint and petition, of Frederick D. Conrad, administrator, complainant and petitioner.

The attorney of the United States aforesaid, and the defendants, now and at all times hereafter, saving and reserving to himself and to the United States all and all manner of benefit and advantage of exception which can or may be had to the many errors, uncertainties, and other imperfection in the said complainant's bill of complaint and petition, and in his supplemental bill of complaint and petition, contained, for

2413.

supplemental answer thereto, or unto so much and such parts thereof as the attorney aforesaid, and these defendants, are advised is or are material and necessary for them to make any answer unto.

This defendant, and the attorney of the United States aforesaid, answering say, that he, the said attorney, is a stranger to the several matters and things in the said complainant's said bill of complaint and petition, and in his said supplemental bill of complaint and petition, set forth and contained; and the said attorney further answering saith, that he claims such rights and interests under the treaties, statutes, and laws pertinent to this matter, for and on behalf of the United States, as this honorable court shall be of opinion that the said United States are justly entitled to.

And if there is any other matter, cause, or thing in the said complainant's said bill of complaint, and his said supplemental bill of complaint and petition contained, material or necessary for these defendants to make answer unto, and not herein and hereby well and sufficiently answered, confessed, traversed, avoided, or denied, the same is true to the knowledge or belief of defendants; all of which matters and things these defendants are ready and willing to aver, maintain, and prove, as this honorable court shall direct; and they humbly pray to be hence dismissed with their reasonable costs in this behalf most wrongfully sustained.

(Signed) THOMAS J. DURANT,
Att'y U. S. for dist. of La.

And afterwards, at the February term of this court, to wit, on the 3d of March, 1849, the following order was entered of record in this case:

F. D. CONRAD, administrator, &c., vs. THE UNITED STATES. } 39.

On motion of complainant herein by his counsel, it is ordered that a subpœna duces tecum be directed to the register of the land office, for the land district west of Pearl river, at Greensburg, Louisiana, requiring him to have and produce in court, on or before the trial of this cause, to wit, on or before the thirtieth day of March, 1849, the original title papers of record in his office, and of which the document annexed to this motion purports to form copies.

And thereupon the following subpœna duces tecum was issued from the clerk's office, to wit:

District court of the United States, for the district of Louisiana. The President of the United States, to the register of the land office for the land district west of Pearl river, at Greensburg, Louisiana:

You are hereby commanded to be and appear, and to bring with you the original title papers of record in your office, and of which the annexed documents purport to be copies, before the district court of the United States, for the said district, to be holden at the city of New Or-

leans, on or before the 30th day of March, 1849, then and there to be used as evidence in a certain cause now depending therein and to be tried, between Fred. D. Conrad, administrator, &c., and the United States, at ten o'clock, a. m., and herein fail not, under the penalty of two hundred and fifty dollars.

Witness the honorable Theo. H. McCaleb, judge of the district court of the United [States,] at the city of New Orleans, this third [SEAL.] day of March, in the year of our Lord one thousand eight hundred and forty-nine, and in the 73d year of American independence.

(Signed) ROBT. M. LUSHER, *D'y Clerk.*

Marshal's return on the foregoing sub. duces tecum.

Rec'd March 3d, 1849, and on the 21st March, 1849, served copy of the within subp. duces tecum on C. D. Strickland, esq., register of the land office, at Greensburg, La., by handing the same to him in person, in the town of Greensburg, La., one hundred miles from N. Orleans.

Ret'n March 31, 1849.

(Signed) CHAS. A. LABUZAN, *D'y Marshal.*

And further, at the same term, to wit, on the 10th of March, 1849, the complainant appeared and filed of record the following replication:

To the hon'ble the judge of the district court of the United States, in and for the district of Louisiana:

Frederick D. Conrad, administrator of the estate of William Wikoff, deceased, for replication to the answer filed by the United States, in the matter of said Conrad vs. The United States, respectfully represents, that this repliant, reserving all exceptions, &c., saith that he doth and will ever maintain and prove his said bill to be true and sufficient in law, and that the answer of said defendants is insufficient in law to be replied to; all of which matters and things this replicant is ready to aver, maintain, and prove, as this hon'ble court shall direct, and humbly prays, as in and by his bill he hath already prayed.

(Signed) T. G. MORGAN,
J. W. GURLEY,
Solicitors for complainant.

And further, at the same time, to wit, on the 17th of March, 1849, the following answer of the New Orleans Gas Light and Banking Co. was filed of record in this case:

F. D. CONRAD, admr., &c.,
vs.
UNITED STATES et al.

United States district court, district of Louisiana.

The answer of the New Orleans Gas Light Company, who are the successors of [the] New Orleans Gas Light and Banking Company, re-

spectfully represents, that they are not informed and know nothing of the claims to lands of plaintiff, as set forth in his original and supplemental petition; that said plaintiff has given notice to the defendants that he does not wish or desire to disturb them in the possession and enjoyment of their lands, but only desires to make good his claim against the United States, in order that he may have, in the event of his title being good, a location of his claim, or grants of land elsewhere; a copy of which notice is amongst the papers or on file in this cause. The premises considered, these defendants do not consider that they have any interest or cause for defending this suit, and therefore pray to be dismissed with their costs in this behalf expended, and for all other and further relief that justice and equity may require, &c.

(Signed,) DUNBAR,
For Gas Light Company.

The notice referred to, in the answer of the Gas Light and Banking Co., is the following (printed) communication, subsequently offered in evidence by the said Gas Light and Banking Co., on the 19th of May, 1849:

SIR: In order that you may fully understand the nature of the suit brought by F. D. Conrad, administrator of the estate of Wikoff, against the United States, and to which you are made parties, we deem it proper to inform you, that the object of that suit is not to dispossess you of any portion of the land claimed and now possessed by you; but the act of Congress authorizing the institution of such suits renders it necessary, that all persons claiming title under the United States should be made parties, in order that the plaintiff, if he sustains his title as against the United States, may obtain script, which will enable him to locate an equal quantity on any other portions of the public lands.

The acts of Congress, to which we refer, were approved on the 26th of May, 1824, and 17th June, 1844.

THOMAS GIBBES MORGAN,
Exchange Place, between custom-house and Bienville streets.
J. W. GURLEY,
No. 25, *Camp street.*

New Orleans, November 23, 1848.

And further, at the same term, to wit, on the 2d of April, 1849, the following order was entered of record in this case:

F. D. CONRAD, administrator, &c., vs. THE UNITED STATES. } 39.

On motion of Thomas Gibbes Morgan, esq., of counsel for the complainant, it is ordered, that this cause be re-assigned for Monday, the 16th instant, at 10 o'clock, a. m.; and further, on his showing to the court that the subpœna duces tecum, issued on the 3d ultimo and returnable on the 30th, has not yet been returned into court; and on his suggesting to the court that the documents called for in said subpœna

are material and important to the complainant, it is also ordered, that a second subpœna duces tecum do forthwith issue to Strickland, esq., register of the land office, &c., at Greensburg, La., directing him to produce in court, on or before the trial of this cause, i. e., on or before the 16th day of April, 1849, the original title papers of William Wikoff, being a grant to him of 25,000 arpents of land on the Amite river, made by the Spanish authorities in 1803–'4, (illegible copies of which title papers were annexed to the first subpœna issued herein, as before stated, on March 3d, 1849.

Thereupon, the following subpœna duces tecum was issued from the clerk's office:

District court of the United States, for the eastern district of Louisiana.

The President of the United States, to Strickland, esq., register of land office, Greensburg, La:

You are hereby commanded to be and appear, and to bring with you the original title papers of record in your office, of which the document annexed to the first subpœna duc. tecum addressed to you from this court, under date of March 3d, 1849, purports to form authentic copies of a grant of 25,000 arpents of land on the Amite, made in 1803–'4, by Span. Gov't to W. Wikoff, (the said copies being too illegible to be used,) before the district court of the United States for the said district, to be holden at the city of New Orleans, on the sixteenth day of April, 1849, then and there to be used or offered as evidence in a certain cause now depending therein, and to be tried between F. D. Conrad, administrator of Wikoff, and the United States, at 10 o'clock, a. m.; and herein fail not under the penalty of two hundred and fifty dollars.

Witness the honorable Theo. H. McCaleb, judge of the said district court of the United States, at the city of New Orleans, this [SEAL.] second day of April, in the year of our Lord one thousand eight hundred and forty-nine, and in the 73d year of American independence.

(Signed,) ROBT. M. LUSHER,
D'y clerk, U. S. dist. court, E. Dist., La.

Marshal's return on the foregoing subpœna duces tecum.

Rec'd April 2d, 1849, and on the 11th April, '49, served copy of the within subp. duces tecum on C. D. Strickland, register of the land office, at Greensburg, La., by handing the same to him in person, in the town of Greensburg, one hundred miles from N. Orleans.

Ret'd April 14th, 1849.

(Signed,) CHAS. A. LABUZAN,
D'y marshal.

And thereafter, to wit, on the 16th of April, 1849, C. D. Strickland, esq., register of the land office at Greensburg, La., in obedience to the foregoing subpœna duces tecum, appeared and deposited in the clerk's office the original title papers, marked A, hereinafter copied on pages 23 to 57 of this transcript.

And further, at the same term, to wit, on the 24th of April, 1849, the following entry was made of record in this case:

F. D. CONRAD, adm'r,
vs.
THE UNITED STATES. } 39

This cause was to-day called up for hearing, by virtue of the general order entered on the 16th inst., when, on showing by the counsel for the complainant that the original documents filed herein on the 16th are still in the hands of the interpreter of the court, it is ordered that the same be continued.

And further, at the same term, to wit, on the 1st of May, 1849, the following judgment, pro confesso, was entered of record in this case:

F. D. CONRAD, administrator, &c.
vs.
THE UNITED STATES. } 39.

On motion of T. G. Morgan and J. W. Gurley, esqs., solicitors for the complainant herein, and on their showing to the court that process of citation has been duly served on the following named parties defendant, who, though the legal delay has long since expired, have failed to answer to plaintiff's petition and supplemental petition, copies of which have also been served on them, viz: on Jas. Lilly, the City Bank of New Orleans, through Sam'l J. Peters, president thereof, G. W. Hatch, Wilfred Williams, D. Williams, Rebecca Williams, Mrs. Hiram Williams, one [of] the heirs of J. Hooper, James L. Latimore, one of the heirs of Latimore, H. Leonard, one of the heirs of Leonard, J. H. Roddy, one of the heirs of Roddy, Ann Roddy, Henry Leonard, Mrs. McCluskey, Robert Fluker, jr., Robert Fluker, sr., Amos Kent, Goodman Davis, Jesse Story, per his administrator, Samuel Story; Hezekiah Thompson, Thomas Clinton, Z. Norwood, John Burton, Walthal Burton, B. Abbot, Daniel Youngblood, John Morgan, J. Carrol, Mrs. Harvin, P. Pipkin, and Zachariah Nettles. It is now ordered that judgment pro confesso be, and the same is hereby, entered up against said defendants.

And further, at the same term, to wit, on the 18th May, 1849, the following entry was made of record in this case:

F. D. CONRAD, adm'r, &c.
vs.
THE UNITED STATES. } 39.

This cause was to-day called up for hearing, Thos. Gibbes Morgan, esq., for the complainant, and Wm. Dunbar, esq., for the N. O. Gas Light Co., party defendant present. When, on motion of the solicitor for the plaintiff, in the absence of the attorney of the United States, the cause was continued until to-morrow, the 19th inst., at 10, a. m.

And further, at the same term, to wit, on the 19th May, 1849, the following entry was made of record in this case:

F. D. CONRAD, adm'r, &c. } 39.
vs.
THE UNITED STATES.

This cause came regularly up for hearing to-day, T. G. Morgan, and J. W. Gurley, esq's, for complainant, Wm. Dunbar, esq., for the N. O. Gas Light Co., and the U. S. district attorney for the defendants. Evidence was adduced by the complainant, and the Gas Light Co. party defendant, when the cause was submitted to the consideration of the court.

(*Evidence offered on the part of the complainant.*)

1o. The plaintiff offered in evidence document marked A, purporting to be the original title papers of the land claimed, which document has been produced by Strickland, esquire, register at Greensburg, Louisiana, in obedience to an order of subpœna duces tecum addressed to him; said document is in the words and figures following, to wit:

William Wikoff. (116.)

To the register and receiver of the land office of the St. Helena district of Louisiana.

GENTLEMEN: Please to take notice, that I hereby file a claim for record and confirmation to a tract of land of twenty-five thousand arpents, which land is situated on the east side of the river Amit, (20,000 arpents,) and five thousand on the west side of the river Tickfaw; said claim is in virtue of a purchase of the same from the Spanish government, as will appear from the annexed papers, which grant was made to William Wikoff, at New Orleans, 26th November, 1801, and surveyed by Isaac Johnson, deputy surveyor of the Spanish government, as also appears from the plat and certificate annexed.

I therefore that the said twenty-five thousand acres may be recommended by the commissioners of this office for confirmation to William Wikoff, the original grantee and purchaser.

Respectfully submitted.

(Signed) CHARLES BISHOP,
For the Claimant.

Recorded E, No. 7, folio 271.

MONT JULIA, *Jan'y 30th*, 1837.

No. 1.

Copy from book No. 10, *note No.* 4.—*Expediente.*

Don Guillermo Wikoff, de origen Anglo Americano, vicino y del comercio de Nuevo Orleans, indonde servio en las compañias de San Juanislas y carabineros de milicias, y que habia mas de diez y seis años, que ira vasallo de S. M. en la Luisiana, quando por instancia de 28 de Septembre de 1803, solicito comprar de la realenga hacienda por el precio de estimacion, veinte y cinco mil arpanes planos de tierra, y que substanciado el expediente se mandaron demarcar medir y estimar

por anto delo. de Octubre del mismo año; de aquella intendencia y superintendencia subdelegada y oficio del agrimensor general fha. 8 del propio mes, y se midieron, en efecto por el deputado Jose Johnson en dos terrenos distritos, ambos en el nuevo establecimiento de Sta. Helena; el primero, de veinte mil arpanes planos en el lado oriental del rio Amit, haciendo frente a il impezondo como a seis millas al sur de la linea de demarcacion; y el segundo, de cinco mil arpanes planos, haciendo frente al rio Tickfaw, parage llamado Joses Branch, segun planos figurativos y diligneas o certificias de apeo despachadas por el dicho Johnson, en 20 y 24 de Diciembre de 1803. No conta de los documentos que hubiese habido estimacion, en que el interesado hubiese dado ningun otro paso a circa del asunto en el tribunal competente para obtener los titulos, y por consequente quedo en este estado, y las tierras continuaron siendo del real dominio—arpens 25,000.

A true copy of said record. CHARLES BISHOP.

Translation No. 1.

No. 1. Mr. William Wikoff, of Anglo American origin, a resident of New Orleans, where he served in the militia, and who has been for more than sixteen years a subject of his Majesty in Louisiana, when by petition of the 21st Sept'er, 1803, he solicited the purchase from the real hacienda, for the price of appraisement, twenty-five thousand arpents of land, and the prayer being granted, an order was given to mark out, measure, and appraise, by act of 1st October of the same year, from that administration and surveyor general's office, dated the 8th of the same month, and they were measured accordingly by the deputy, Joseph Johnson, in two tracts of land, both in the new district of St. Helena; the first into twenty thousand arpents on the eastern bank of the river Amite, fronting it, beginning about six miles to the south of the line of demarcation; and the second into five thousand arpents, fronting the river Tickfaw, a possession called Joseph Branch, as per plans and proceedings and certificates of boundary, furnished by said Johnson, on the 20 and 24 of Dec'r, 1803. It does not appear from the document that there was any evidence that the purchaser had taken any further steps in the court of competent jurisdiction to obtain his titles, and the matter remained in this state, and the lands continued in possession of the Government.

To the register and receiver of the land office of the St. Helena district:

GENTLEMEN: The annexed document is explanatory of the nature of the purchase made by Wm. Wyckoff, and of the manner in which the Spanish government proceeded in the sale of her domain, which you will please to record as auxiliary to the disposition of several lands now filed in your office.

Respectfully submitted.

(Signed) CHARLES BISHOP.

Mont Julia, Jan'y 30th, 1837.

Document endorsed: "Copy of the royal order from the court of Spain, to the Intendant of Louisiana."

By royal order of this date, I forward to the governor of this province what follows: The King has been pleased to resolve, after having read the letter of your excellency of the 31st of August of the year last, No. 3, directed to the Prince of the Peace, together with that of the intendant pro temp., of that province, of the 16th of October of the same year, No. 174; both letters relative to the faculty of granting and distributing royal lands in the district of their jurisdiction, which privilege belonged to the political and military government, since the royal order of the 24th of August, of the year 1774, that for the exact accomplishment of what has been resolved in the article 84 of the royal ordinance of New Spain, the right of granting and distributing all kinds of lands must be reintegrated to the intendant of that province, in the legal terms provided by the laws. The faculty, therefore, that belonged before to government to make these grants must be suppressed, and must, hereafter, appertain solely to the intendant. I send you the present royal resolution for your intelligence and respective execution. May you live a thousand years. SAN LORENZO.

October 22*d*, 1798.

Soler, to the intendent pro temp. of Louisiana.

The King has been pleased to approve of your having sold some royal lands in the district of Baton Rouge, with the agreement of the commissioners of his Majesty, for the benefit of the province; and I forward this to you by royal order, for your intelligence, in answer to your letter of the 5th of December of the year last, No. 265. May you live a thousand years. ARANJUEZ.

May 29, 1804.

Soler, to D'n Juan Ventura Morales.

The King being impressed of what you expose in your private letter of the 31st of June last, No. 48, in which you say that the commander of Pensacola, D'n Vicente Folch, had requested of the governor of Baton Rouge, that from the 20th of June, he should not allow lands to be distributed without his order, nor that they should deliver those that have been sold by the intendant since the 18th of May, 1803, which has given rise to the prejudices you express; the King, I repeat, has resolved that they should forward to the said commander the provisions contained in the royal orders of the 22d of October, of the year '98, of the 14th of November, of the year '99, and 29th of May, of the year 1804. His Majesty consequently declares, that you must continue all the expediencies now pending about sales of lands, and those that may hereafter occur; and his Majesty hopes, that with your notorious zeal, you will do your utmost to draw from that branch of speculation all the advantages that may rise in favor of the royal taxes; all which I impart to you by order of his Majesty. May you live a thousand years. ARANJUEZ.

the 20th of February, 1805.

Soler, the intendant pro temp. of Louisiana.

This is to certify that the three preceding copies are true copies from the royal orders that exist in the records of the secretary of the intendant general of this province, from which they have been drawn agreeably to the provisions of the intendant general of said province, to be delivered to Bernard Marigny's attorney.

FRANCISCO GUTIERREZ DE ARROYO.

PANSACOLA, *August 25th*, 1812.

Don Juan Ventura Morales, intendant pro temp. of the province of West Florida, with the subdelegation of the general superintendence of royal estates, appraiser of royal lands.

I hereby certify, that the precedent signature of Don Francisco Gutierrez de Arroyo, secretary of the intendant, is the faithful and true one which is used in all the judicial writings of that gentleman.

Signed and sealed by me, in Pensacola, August 26th of the year, 1812.

JUAN VENTURA MORALES.

FRANCISCO GUTIERREZ DE ARROYO.

[SEAL.] Sello tercero dos reales años, de 1818 y 1819.

No. 1.

Sor. superintendente general, sub delegado de la Isla de Cuba y dos Floridas.

HABANA, 22 *de Julio de* 1819.

Como lo pide, si se hallaren los documentos en secretaria.

Sor. intendente de exto.

En el renocimiento que se practicado de los papeles de los archivos de la Florida occidental é inventario, que se ha formado de los salvados se nota la falta entre otros muchos del tengado de tierras de la Luisiana, hasta su retrocesion, y el de dha. provincia, que sin duda se hallava en los once caxones arrojados al tripulacion de corsario de piratas que saquio la Goleta Americana Pegui que los conducia, y otro que se llevo el teniente de dho. corsario. Tal vez el

Don Manuel Lopez, vecino de Baton Rouge, en la Florida Occidental, prostando voz y causion por Don Guillermo Wikoff, habitante del mismo partido a V. S., con el debido respeto, y en la mejor forma que haya lugar dice: que en el año de 1803, concedió la intendencia de la retrocida provincia de Luisiana, al dicho Wikoff, veinte y cinco mil arpanes planos de tierra en el distrito de Sta. Helena, jurisdiccion de Baton Rouge, mediante el precio de su estimacion, de cuyos veinte y cinco mil arpanes planos tomó posecian, y se practicaron los apeos con la debida formalidad, y unidose los correspondientes planos a los autos originales que se remitieran en 1806, a Panzacola, adonde se traslado la intendencia para que se les despachase el titulo formal, en virtud de haber pagado en aquel ministerio y tesoria su abaluo, con los demas dros. reales segun cousta de la carta de pago que se unio el expediente original; y habiendo sobrevenido circumstancias que impidieran al interesado activar el despacho de dichos titulos, y presentadose posteriormente nuevos obstaculos por los suceros acaecidos en Baton Rouge, solo pudo practicar diligencias

agrimensor general Don Vicente Sebastien Peritado, podra dar razon, como que hizo el apeo y deslinde de la tierra de que trata el interesado, V. S. lo estima convte. Habana, 27 de Julio de 1819.
(Signed)
PEDRO CAVAMBBO.

ultamamte. en Panzacola, para obténer los documentos originales ó copia autentica de ellos, y hacer constar su propriedad adquirida legitimamente, y en tiempo habil, y el resultado ha sido habervele informado, que todos los libros, protocolos, y expedientes, y demas relativo al juzgado de tierra se habia trasladado a erta ciudad, por disposicion de V. S. en esta virtud.

A V. S. suplica se sirva mandar que por la oficina donde se hallen archivados dichos documentos se le provea de testimonio integro, ô copiaa utentica del expediente venta, y carta de pago, planos figurativos y diligencias de apeo para que sirva de titulo de propriedad al interesado, y no pueda ser inquietado por el Gobno. de los Estados Unidos, ni por ningun particular. Lo que espera merecer de la justa. que V. S. administra. Habana, 22 de Julio de 1819.

(Signed) MANUEL LOPEZ.

Translation of No. 2.

No. 2. To the superintendent of the island of Cuba and the two Floridas.

Manuel Lopez, a resident of Baton Rouge, Western Florida, appearing, and being security for William Wickoff, residing in the same district, to your excellency, with all due respect, says, that in the year 1803, the intendency of the ceded province of Louisiana granted to the said Wickoff 25,000 arpents of land in the district of St. Helena, jurisdiction of Baton Rouge, for the price and sum of appraisement, of which 25,000 arpents he took possession, and the boundaries were laid out in due form, and the corresponding plans being annexed to the original acts, were sent in the year 1806 to Pensacola, where the intendency was transferred, that the formal title might be given to him, he having paid into the treasury its valuation and the other royal duties, as it appears by his bill of purchase, which was annexed to the original proceedings; and certain circumstances having occurred which impeded the purchaser realizing the issue of the said titles, and afterwards new obstacles having presented themselves by events which occurred in Baton Rouge, he could only at length carry on the proceedings in Pensacola, in order to obtain the original documents, or authentic copies of them, and to prove that he had acquired his property in a legitimate manner, and in due time. The result of all this was, that he was informed that all the books, protocols, and papers belonging to the land office had been transferred to this city by order of his excellency.

In virtue of which I beg of your excellency to order that the bureau in which these documents are filed give up the said documents, or an authentic copy of the proceedings, sale, certificate of payment, plans, and the measurement documents, in order that they may serve as a title to the property belonging to the purchaser, and that he may not be

molested by the Government of the United States, nor by any person.
Which is prayed for, &c., &c., &c.

Signed, MANUEL LOPEZ.

Havana, 22d July, 1819.

Order.

HAVANA, *22d July*, 1819.

Let the petitioner's prayer be granted, if the documents be found in the secretary's office.

TO THE ARMY INTENDENT: In the search which has been made among the papers of the archives of Western Florida, and the inventory which has been made of those saved, it has been found that papers are wanting, and among many others those of the land office of Louisiana up to its retrocession, and that of said province which, no doubt, were in the eleven boxes thrown overboard into the sea by the crew of the corsair of pirates, which took the American schooner Peggy, having said boxes on board, and others which the lieutenant of said corsair took with him. Perhaps the surveyor general, Don Sebastian Pintado, may be able to give some information, as he laid out the boundary and the measurement of the land in question, should your excellency approve of it.

Signed, PEDRO CARAMBOT.

Havana, 27th July, 1819.

No. 3.

Muy señor mio: Llego Azeytimo, pero sin nada de lo que esperaba. Pasiencia.

Incluvo hallará vmd. el planito de la tierra de Lopez, junto a la que deben ser medidos los 800 arpanes de Don Santo. McElroy; esto es, entre esta tierra y *Benk* creek. Como ha seis años, o cerca, que se levio este apeo y las marcas obscurecidas, corca tal vez penible el hallan los limites a menos que Bookter que los conoce no se los enseñe a vmd.

Ya havra vmd. recivido los planos de Spillars, Bell, y Galop, que tengo embreidos a vmd. por un tell Robertson; como tambien la notoria de lo que hay sobre los quatro pobladores que se hallan establecidos sobre la tierra de vmd. de este lado del Amit. Digame vmd. quales otras necesita pues tengo tiempo de hacer mas, que aquello que es absolutamente necesario.

Johnson fue comisionado para medir las tierras de Wickoff por particular recomendacion, y suplica del mismo interesado. Yo se que no es mathematico pero segn. los informes que Wickoff, y yo tomamos tiene suficiente conocimiento para la simple operacion de trazar un terreno de forma o figuro regular circumdeado de tierras vacantes. Los planos parecen bastante regulares para suponer, que los apeos no se huvieren hecho, tal vez como vmd. dice me havrá engañando, por lo que que tengo escrito de venir con vmd. y provar lo contrario, se no es asi. Wickoff llegará de oy o mañana, y tal vez ira por allá y en caso de

dificultad tambien ire yo. Vte. estado hablando con un hombre que asistio a dhos. apeos y media que fueron enteramte. hechos.

El plano que vmd. me ha embrado marcado P. D. B. V., abrara una grande partida de los 20,000 arpanes de Wickoff en el Amit. Esto es la porcion desde Darling ó Buck creek, y detras de McElroy y Lopez, y sirva el imperfecto dueño de abajo para mejor inteligencia de vmd.

[For plat see original.]

Los 6,000 arpanes al oeste de Tickfaw, mas abajo de Corkers tienen la forma poco mas o menos del imperfecto deseño de abajo. El tiempo no permite de formando con la exactitud y regularidad que seria necesario. Si fuese para otro fin, que el de dar a vmd. una idea de la cosa.

[For plat see original.]

Embie sus cartas por Thibaut, qui ha salido para la Nueva Orleans. Parelo vmd. bien y mande á su mas atento servidor. Q. S. M. B.

(Signed) VICENTE SEBAS'NO PINTADO.

Translation of No. 3.

No. 3.

January 3, 1804.

DEAR SIR: Azeitemo has arrived, but without any thing that I expected. Patience.

Enclosed you will find a small plan of the land belonging to Lopez, adjoining which are to be measured the 800 arpents belonging to Mr. James McElvy, that is between this land and Buck creek. As it is nearly six years ago that this land was measured, and the lines nearly effaced, it may be impossible, perhaps, to find out the limits, unless Bookter, who knows them, shows them to you.

You will have received, by this time, the plans of Spillars, Bell, and Galop, which I sent to you by a person named Robertson, as also a note of what has been done by the four settlers who are established upon your land on this side of river Amite. Let me know what others you want, for I have only time to make those which are absolutely necessary.

Johnson was commissioned to measure the lands of Wickoff, by particular request of the interested.

I know he is not a mathematician, but from information which Wickoff and I obtained, he has sufficient knowledge to draw the lines of a vacant lot of ground. The plans appear to be so correct that it cannot be presumed the boundaries were not laid out; perhaps, as you say, he may have deceived me. From what I have written to him he will see you, and will prove the contrary, should it not be so. Wickoff will arrive to-day or to-morrow, and may go and see you, and in case of any difficulty I will go myself. I have been speaking with a man who was present at the laying out of the said boundaries, and he tells me that they were properly made.

The plan which you have sent me, marked P. D. B. V., contains a large portion of the 20,000 arpents of land belonging to Wickoff, on the Amite river. This is the portion from Darling's to Buck creek, and in the rear of McElroy and Lopez. Let the imperfect sketch here below give you some idea of it.

(Here follows the sketch of plan.)

The 5,000 arpents to the westward of the Tickfaw river, below Corker's, have about the same form or shape as given in the imperfect sketch given below. Time will not allow me to make it out with the exactness and regularity which might be necessary were it other than to give you an idea of the thing.

(Here follows sketch of plan.)

I have sent your letters by Thibaut, who has gone to New Orleans.

Your obedient servant.

(Signed) VICENTE SEB'N PINTADO.

The annexed is an account of the passing of an act of sale of 25,000 arpens of land to Wm. Wyckoff, and of the appointment of a deputy surveyor to measure and bound the said land under the official signature of Chas. Trudeau.

(Signed) C. BISHOP.

No. 4.

Por decreto de la intendencia general, en fecha primera del presente mes de Octubre, se ha concedido a titulo de venta, a favor de Don Guillermo Wickoff, veinte y cinco mil arpanes de tierras, de las que se hallan vacantes en los distritos que miden entre el rio Amit y la Mobila, en el parage que mas le convenga, abiendo el Señor intendente general dignado confiar baxo mi direccion el apeo y estimacion de dichos veinte y cinco mil arpanes, praticara vm. la medida y formacion del plano corespondient; y evacuado esta diligencia, nombrase vm. por parte de la real hazienda, dos pontos estimadores, cuyos con dos otros que ha de nombrar et interesado, o por si o por medio de su apoderado, aquellos quatro estimadores asistidos de dos testigos, procederan a la estimacion y avaluo de dho. terreno, que deven firmar todos con el interesado en presencia de vm.; y concluidas este asunto, lo mandara vm. en mi oficina, al fin de dar el curso regular a este expediente. Dios guarde vm. mos. an. 8 Octobre, 1803.

(Signed) CARLOS TRUDEAU.

Señor Don Vicente Seb'o Pintado.

Translation of No. 4.

No 4.—By a decree of the intendency general, dated the 1st of the present month of October, it has been granted, by title of sale in favor of Mr. William Wickoff, 25,000 arpents of land among those vacant lands in the districts that lie between the Amite river and Mobile, wherever he may think proper. The intendent general having confided to me the laying out of the boundaries and appraisement of said 25,000 arpents,

you will have executed the measurement and formation of the corresponding plan; and this being done, you will name, on behalf of the real hacienda, two experts, who, with two others that the interested party shall name, either by himself or by his attorney in fact, these four experts, assisted by two witnesses, will proceed to the appraising of said lands, all of whom, jointly with the interested party, shall sign in your presence; and this being done, you will send the documents to my office, in order to have the proceedings in due form.

God save you for many years. 8 October, 1803.

(Signed) CARLOS TRUDEAU.

To Don VICENTE SEB'o PINTADO.

Año de 1803.

Dn. Guillermo Wikoff, solicitando la consecion de 25,000 arpanes de tierra, entre el rio Amit y Movilla. Rl. hac'da.

No. 5.

Sor. GOBERNOR GRAL.: Dn. Guillermo Wickoff, vecino y del comercio de esta ciudad, con el mas profundo respeto a V. S. expone, que ha tenido la honra de servir a S. M. C. en la compañia de San Juanistas, de esta prov'a, que baxo las inmediatas ordenes de esta Gobierno, se habia formadó para las urgencias de la ciudad; y como quiera que la expresada comp'a se ha disuelto, y que el exponente se halla con deseos de ser util à la republica, humildemente suplica a la bondad de V. S. se sirva admitirlo en la distinguida compaña de carabineros, que, para el resguardo de esta dha. ciudad, existe en ella, dando al efecto las ordenes correspondientes para su recesscion.

Nuevo Orleans, 26 de Nov., de 1801.
Admitese y sientesete plaza en la compañia que le corresponda.
(Signed) SALCEDO.

Gracia que el sup'te espera recibir de la notaria justificacion. D. V. S. Nueva Orleans, 24 de Noviembre, de 1801.

WM. WIKOFF, Ju'r.

Translation of No. 5.

No. 5.—To the GOVERNOR GENERAL: William Wickoff, a resident of, and carrying on business in, this city, with due respect to your excellency, shews, that he has had the honor to serve his Catholic Majesty in the company of Sn. Juanislas, of this province, which, under the orders of this Government, was formed for the protection of the city; the said company having been disbanded, and the petitioner being desirous of being useful to the republic, humbly begs of the goodness of your excellency to be admitted into the distinguished company of riflemen, which, for the safety of the city, is now formed, giving the necessary orders to have him duly received.

And your petitioner will ever pray, &c., &c., &c. New Orleans, 24 November, 1801.

(Signed) WM. WICOFF, Ju'r.

Order.

Let the petitioner be admitted, and let him hold rank in the company.
(Signed) SALCEDO.

No. 6.

SOR. INTTE. GENERAL:

Dn. Guillermo Wikoff, vecino y del comercio de esta ciudad, ante V. S. con la veneracion debida expone, que hace mas de diez y seis años tiene la honra de ser vasallo de S. M. C. en esta provincia, habiendo sido admitido en la distinguida compañia de carabineros destinado á la custodia de esta plaza, segun consta del documento que con todo respeto accompaña, haciendo el servicio de ella siempre que se ha ofrecido y ofrece; en cuya atencion, y deseando formar uno establecimiento de entidad y utilidad publica en esta colonia y fomentar su agricultura; y necesitando pa. verificar su projecto, se le beneficie por la rl. haza. de una cierta porcion de tierra; suplica a V. S. se sirva concederle á titulo de venta y a justa tasazn. veinte y cinco mil arpanes quadrados de tierra de las que hay vacantes y realengas en el distrito qe. media entre el rio Amite y la Movila, en los parages que mas convengan para los enunciados efectos; cuyo importe se obliga de satisfacer en la siguiente forma: un tercio de contado luego qe. se le entreguen los titulos de propridad y derecho de posesion; otro tercio en seis meses, y el ultimo tercio en un año desde la fecha de la venta, ofreciendo para ello las seguridades necesarias al tiempo de verificarse la compra, baxo las formalidades acostumbradas.

Gracia que espera de la equidad y justicia de V. S. Nueva Orleans, 28 de Septiembre, de 1803.

WM. WIKOFF, *Jur.*

NUEVA ORLEANS, 28 *de Septre., de* 1803.

Pongase a continuacion por secreta. copia certificada del oficio dirigido par esta intenda. á los sres. comisarios de la entrega de la prova. de resultas de la solicitud de comprar cinquenta mil arpanes de tierra que hiso Don Thomas Urquhart, y de la respuesta que dieron dichos sres. y fho. vista al Sor. Fiscal.

(Signed,) MORALES.

Ante mi.

(Signed,) CARLOS XIMENES.

En el mismo dia, notifique a Don Guillermo Wikoff, el decto. antecedte. doy fé.

(Signed,) XIMENES.

En el propio lo participe al Sor. Fiscal de rl. hacda., doy fé.

(Signed,) XIMENES.

En el mismo pasé este expedte. a la secreta. de la intendencia, doy fé.

(Signed) XIMENES.

Aunque por existir la declaratoria que hicieron V. S. S. en el bando publicado, en 18 de Mayo anter. sobre que en la cesion de esta provincia a la republica Francesa no entraba el territorio que media desde el bayu, o estero de Iberville hasta el punto de la linea en que principian las posesiones Americanas, podria dar curso a la instancia que me ha presentado Dn. Tomas Urquhart, pidiendo se le vendan cincuenta mil arpanes de tierra de las que se hallen vacantes y realengas en el distrito de Baton Rouge, bajo las condiciones qe. establece, sin recelo de qe. formase quera el Gobierno Frances. Sin embargo considerando que el punto, ya por las conexiones que tenga con las maximas politicas del estado, y a par otros motivos que se oculten á mis conocimientos, puedo ofrecer obstaculos y dificultades por las que sea tal vez mas prudente declarar sin lugar la solicitud, que el que la rl. hacda. consiga el beneficio que pueda remitarle de acceder a la demanda; he juzgado conveniente remitir a V. S. S. la citada instancia para que sirviendose manifestarme su opinion, me sirva de norte, y pueda asegurarse el acierto en la determinacion qe. conciliando las utilidades del mejor servicio con las necesidades de estas reales caxas, y el fomento de aquella parte de los dominios del rey parezca mas conveniente tomar. Dios gue. a V. S. S. muchos años, Nueva Orleans, 22 de Julio, de 1803.

JUAN VENTURA MORALES.

Sres. D. Manuel de Salcedo y Marques de Casa Calvo.

La declaratoria que hicimos en el bando publicado en 18 de Mayo ulto., esta fundada en el derecho de conquista por el cual la España se apoderé y tomó de los Ingleses en la grra. del año de 80 los establecimientos de Natchez, y Baton Rouge conservando actualmente este, y por lo tanto no comprehendido en el distrito de la Luisiana, unica parte qe. debemos, segun nuestras instrucciones retroceder a la republica Francesa, en cuyo concepto siendo aquellos terrenos propios de S. M. podra V. en uso de sus facultades determinar sobre el asunto, siendo nuestra opinion que respecto promete la solicitud de D. Juan Urquhart utilidad a los reales intereses, fomento a la poblacion y agricultura, circunstancias de entidad, y digna de atencion la primera por la escacez en que se hallan en el dia estas caxas, puede ser admitida la proposician, sin qe. haya motivo qe. preste recelo a verificar el asunto bajo las demas formalidades establecidas por la intenda. con lo que dejamos contestado el papel qe. se sirvio V. dirigirnos en 22 del corrte. Nuestro señor guarde a V. muchos años. Nueva Orleans, 28 de Julio, de 1803.

MANUEL DE SALCEDO,

El Marques DE CASA CALVO.

Sor. D. Juan Venta. Morales.

Es copia de lo que queda en los archivos de mi cargo de que certifico como secretario por S. M. de esta intenda. en virtud del decreto de esta fecha en la Nueva Orleans, a 28 de Septiembre, de 1803.

(Signed,) CAYNO. VALDES.

Dros. dos ps. recibidos.

Translation of No. 6.

No. 6. To the intendent general.

William Wickoff, a resident, doing business in this city, respectfully shows, that for more than sixteen years he has had the honor of being a subject of his Catholic Majesty in this province, having been admitted into the distinguished company of riflemen formed for the protection of this city, as appears by a document hereto annexed, performing his duty in said company whenever called upon so to do; in virtue of which, and wishing to form an establishment for the public good in this colony, and promote its agriculture, and in order to realize his project he may be allowed a certain portion of land by this real hacienda. He therefore prays that he may be allowed a title of sale, and for a just appraisement, 25,000 arpents square of land, of those vacant lands belonging to the government which lie between the river Amite and Mobile, the amount of which he binds himself to make good in the following manner, one-third cash, as soon as the title is made good to him as owner and proprietor, another third in six months, and the other third in one year from the date of sale, giving the necessary securities at the time the purchase is made, and under the established formalities. All which your petitioner prays for, &c., &c., &c.

New Orleans, 28 September, 1803.

(Signed) WM. WICKOFF, Jun.

Order.

NEW ORLEANS, 28 *September*, 1803.

Let the secretary give a certified copy of the order directed by this intendency to the commissioners for the delivery of the province, of the result of the request which Thomas Urquhart made for the purchase of 50,000 arpents of land, and of the answer of said commissioners, and of the opinion of the attorney general.

(Signed) MORALES.

Witness—

(Signed) CARLOS XIMENES.

On the same day I notified Mr. Wm. Wickoff of the preceding decree.

(Signed) XIMENES.

On the same day I notified the attorney general.

(Signed) XIMENES.

On the same day I served the document on the secretary of the intendency.

(Signed) XIMENES.

Although the declaration still exists, which your excellency made in the decree of the 18th of last May, that in the ceding of the province to the French republic the territory which lies between the bayou or creek of Iberville, up to the line where the American possession begins, was not

comprehended, the petition of Thomas Urquhart could be admitted, asking that 50,000 arpents of land might be sold to him among those lying vacant and belonging to the government in the district of Baton Rouge, under the conditions proposed by him, without any fear of any complaint from the French government; nevertheless, considering that this point, either on account of the connection which it may have with the political maxims of the State, or on account of other motives of which I am ignorant, may offer obstacles and difficulties, it may be more prudent to deny the request, than that the real hacienda should derive the benefit which might result in acceding to the demand. I have thought proper to send to your excellency the said proceedings, in order that your opinion on the subject may serve me for a law, and that the end may be determined in the determination which reconciling the utility of the best service with the necessities of the royal treasury, and of the improvement of that part of his Majesty's dominions, it may be most proper to take.

God save your excellency many years.

(Signed) JUAN VENTURA MORALES.

To Don Manuel de Salcedo and the Marquis Casa Calvo.

The declaration which we made in the decree of the 18th May last, is founded on the right of conquest, by which Spain took from the English, in the war of '80, the establishments of Natchez and of Baton Rouge, actually keeping the latter, and on this account not comprehended in the district of Louisiana, the only part which we are, according to our instructions, to cede back to the French republic; under this impression, as those lands belong actually to his Catholic Majesty, you will be able in your capacity to determine on the matter, it being our opinion, that as the petition of Thomas Urquhart promises utility to the royal interests, increase of population and agriculture, circumstances of importance, and worthy of attention on account of the impoverished state of the treasury, the proposition may be admitted without there being any danger of the matter not being realized under the established forms by the intendency. With this opinion we answer the document which you addressed to us on the 22d instant.

Our Lord save you many years.

New Orleans, 28 July, 1803.

(Signed) MANUEL DE SALCEDO,

(Signed) MARQUIS CASA CALVO.

To Juan Ventura Morales.

The foregoing is a copy of the opinion which is on the records in my office, which I hereby certify, as secretary of this intendency, in virtue of the decree of this date. New Orleans, 28th September, 1803.

(Signed) CAY'O VALDES.

No. 7.

El fiscal de real hacienda enterado de la solicitud que hace Don Guillermo Wikoff, vecino de esta ciudad sobre que de las tierras realen-

gas que hay vacantes entre el rio Amite y la Movila, se le beneficien por la r. hacienda a justa tasacion veinte y cinco mil arpanes, ofreciendo pagar un tercio de contado, otro en seis meses, y el ultimo en un año desde la fha. de la venta, dando las seguridades correspondtes. dice: que permadiendo las fundadas razones expuestas, asi en el oficio pasado por esta intenda. con fha. 22 de Julio ultimo a los sres. comisarios, nombrados para la entrega en la Luisiana a la republica Francesa, como por el de su respuesta de 28 del mismo, lo util de dha. solicitud al real herario, juzga el fiscal conveniente se acceda a ella y que se de la orden al comandte. de dho. distrito, para que nombre dos habitantes expertos que en calidad de estimadores conjuntamente con otros dos que señale el comprador, y acompañados del agrimensor con dos testigos de asistencia, se proceda al justiprecio, apeo, y deslinde de los referidos veinte y cinco mil arpanes de tierra, cuyas diligencias evacuadas con la debida solemnidad, se remitan a este tribunal, a fin de que se le expida el titulo competente baxo las condiciones que propone. El tribunal sin embargo determinará lo que crea mas conforme á la justicia que pide el fiscal. Na. Orleans, 3 de Octubre de 1803.

(Signed) GILBERTO LEONARD.

Translation of No. 7.—No. 7.

The attorney general of the real hacienda, being inform[ed] of the request made by William Wickoff, a resident of this city, that 25,000 arpens of land, belonging to the government, and lying between Amite river and Mobile, be granted to him by the real hacienda, at a just appraisement, offering to pay one-third cash, one-third in six months, and the other third at 12 months from the date of sale, giving the necessary security, now says that being persuaded by the well-founded reasons expressed in the oficio issued by this intendency, under date of 22d of July last, to the commissioners appointed for the delivery of Louisiana to the French republic, as well as in the reply of the 28th of the same month, of the utility which this request would be to the royal treasury, the Attorney General deems it advisable to accede to the request, and that an order be given to the commandant of that district, that he may appoint two experts, who, acting in the capacity of appraisers, jointly with other two chosen by the purchaser, and accompanied by the surveyor, with two witnesses, they may proceed to the valuation and measurement of the 25,000 arpens of land; their proceedings being duly finished, they must be sent to this office, in order to issue a proper title under the conditions proposed by the purchaser. The tribunal, nevertheless, will determine what it may be most proper to do in the matter. New Orleans, 3 October, 1803.

Signed GILBERTO LEONARD.

No. 8.

NUEVA ORLEANS, 4 *de Octubre, de* 1803.

Pongase a continuacion testimonio del decreto con que lo paso a la consulta del Sor. asesor del gobierno, y auditor de grra. de esta provin-

cia, el exped'te promovido por Don Thomas Urquhart, sobre que se le vendiesen cincuenta mil arpanes de tierra en el distrito de Baton Rouge, y del dictamen que estudio en consequencia y evaquado traigase.

Signed, MORALES.

Ante mi. Signed, CARLOS XIMENES.

En la Nueva Orleans, en el mismo dia, participe al Sor. fiscal de rl. hacienda el decreto anteced'te doy fé.

Signed, XIMENES.

En el propio lo notifique a Don Guillermo Wickoff doy fé.

Signed, XIMENES.

Auto.

Vistos: Y que segun lo prevenido en el articulo ochenta y uno de la real ordenanza de intendentes de Nueva España, mandada observar en esta provincia las causas sobres ventas compociciones y repartimientos de tierras realengas deber subtanciarse con citacion fiscal, y dictamen de los señores asesores ordinarios de las intendencias, no habiendolo en esta provincia por haber fallecido el Señor Licenciado Don Manuel Serrano; presidiendo recando politico de estilo pase este expediente al Señor Don Nicolas Maria Vidal, theniente governador, y auditor de grra. de esta dicha provincia, para que si lo tiene abien se sirva consultar lo que lo ocurra.

MORALES.

Proveyolo Don Juan Ventura Morales, contador pral. de exercito intendente interino de real hacienda de las pras. de la Luisiana y Florida occidental, subdelegado de la super intendencia general, que lo firmo en la Nueva Orleans, a seis de Agosto, de mil ochocientos tres.

CARLOS XIMENES.

Dictamen.

Señor Intendente General: En vista de lo que han informado sobre este expediente los señores governador, y marques de Casa Calvo, comisarios nombrados por el rey, para la entrega de esta provincia de la Luisiana, á la republica Francesa, y lo expuesto por el Señor Fiscal de real hacienda, me parece que puede V. acceder á la solicitud de Don Tomas Urquhart, en orden á que se le vendan cincuenta mil arpanes de las tierras que hay vacantes y realengas en el distrito de Baton Rouge, para formar un establecimiento de cierto numero de familias, con la calidad de satisficer el tercio de su importe de contado; otro tercio en seis meses, y el restante al plazo de un año, dando las seguridades necesarias; y que en consequencia se mande librar para las correlativas diligencias el despacho que propone el dicho Señor Fiscal, el los terminos y con las formalidades que expresa. Pero con la prevencion de que las familias que hayan de situarse en las referidas tierras, sean de la aprobacion del govierno y con su conocimiento, observandose las reglas prescritas por su Magestad en las reales ordenes de la materia

para la admision de nuevos colonos V. sin embargo, resolvera lo que juzque mas acertado y conveniente.

Nueva Orleans, nueve de Agosto, de mil ochocientos tres.

NICOLAS MA. VIDAL.

Eso. conforme a sus originales a que me referiero. Nueva Orleans, primero de Octubre, de mil ochocientos tres. Cmo. oc. Ve.

Signed, CARLOS XIMENES.

NUEVA ORLEANS, 1*o. de Octubre, de* 1803.

Vistos: Y ofreciendo mucha dificultad que el commandante del otro lado del lago Don Carlos Parent, tanto por no poserse el idioma castellano, como por su abanzada edad pueda evacuar las diligencias necesario, ni asistir a la medida, apeo, y estimacion de los veinte y cinco mil arpanes de tierra, que aunque dice quadrados, debe entenderse planos que solicita comprar Don Guillermo Wicoff en el parage que expresa; se comisiona al agrimensor general, Don Carlos Trudeau, para que proceda a la operacion con las formalidades que expresa el Señor Fiscal en su precedente representacion; debiendo extender en seguida el plano, y demas necesario para que previa la exhibicion de la tercera parte de valor en que sean estimados dichas veinte y cinco mil arpanes de tierra, y fianza hipotecaria de las otras dos tercias partes, pueda expedirse el titulo en forma.

Signed, JUAN VENTURA MORALES.

Ante mi. Signed, CARLOS XIMENES.

En el mismo dia, participe et decreto anteced'te al Señor Fiscal de rl. hacienda doy fé.

Signed, XIMENES.

En el propio lo notifique a Don Guillermo Wykoff, doy fé.

Signed, XIMENES.

Translation of No. 8.—No. 8.

NEW ORLEANS, 4 *of October*, 1803.

Let testimony of the decree be hereto annexed, which was handed in for consultation to the attorney of the government, and auditor on war of this province, accompanying the proceedings filed by Mr. Thomas Urquhart, requesting the sale of 50,000 arpents of land in the district of Baton Rouge, and of the opinion which was issued in consequence, and as soon as finished let the proceedings be returned here.

(Signed) MORALES.

Signed in my presence.

(Signed) CARLOS XIMENES.

N. Orleans, the same day, gave notice to the attorney general of the preceding decree.

(Signed) XIMENES.

The same day I notified Mr. Wm. Wickoff.

(Signed) XIMENES.

Judicial decree.

In accordance with what is laid down in the eighty-first article of the royal order of intendants of New Spain, to be observed in this province relative to sales and partition of government lands, must be determined by citation to the attorney general, and the opinion of the counsellors of the intendancy, as no attorney general exists at this time in this province, owing to the death of Mr. Man'l Serrano. I passed this proceedings to Don Nicolas Maria Vidal, lieutenant general and auditor of war for this province; if he thinks fit [he] may consult on this point.

(Signed) MORALES.

Signed by Don Juan Ventura Morales, paymaster general of the army, &c., &c., &c.; on the 6th of August, 1803.

(Signed) CARLOS XIMENES.

Opinion.

To the Intendant: In accordance with what has been stated in these proceedings by the governor, and the Marquis Casa Calvo, commissioners appointed by the King for the delivery of this province of Louisiana to the French Republic, and what has been shown by the attorney general of the real hacienda, it appears to me that you can accede to the request of Thomas Urquhart to sell to him 50,000 arpents of land, which are vacant, and belonging to the crown, in the district of Baton Rouge, to form an establishment of a certain number of families, with the understanding that he will pay one-third of the value in cash; another third in six months; and the remainder in one year; giving the requisite security; and in consequence, the despatch of the attorney general may be executed in the terms and under the formalities expressed therein. But with the understanding that the families that are to be established on said lands meet with the approbation of the government, duly observing the rules prescribed by his Majesty in the royal orders on this point, for the admission of new colonies; nevertheless, you will determine that which may be most proper and convenient.

New Orleans, 9 August, 1803.

(Signed) NICOLAS MA. VIDAL.

The foregoing is a true copy of the original to which I refer.

N. Orleans, 1 October, 1803.

(Signed) CARLOS XIMENES.

NEW ORLEANS, 1 *October*, 1803.

Much difficulty presenting itself, owing to the commandant, Mr. Charles Parent, not knowing the Spanish language, and on account of his advanced age not being able to prepare the necessary proceedings, nor to assist at the measurement and appraisement of the 25,000 arpents of land which Mr. William Wickoff wishes to purchase in the place expressed in the proceedings, Don Carlos Trudeau, surveyor gen-

eral, is hereby commissioned, so that he may proceed in the business, with the formalities expressed by the attorney general in his preceding despatch, duly drawing up the plan, and other requisites, so that on his paying down the third part of the value at which the said 25,000 arpents of land may have been appraised, and giving a mortgage security for the two other thirds, the requisite title may be granted to him in due form.

(Signed) JUAN VENT'A MORALES.

Signed in my presence.

CARLOS XIMENES.

On the same day served the preceding decree on the attorney general of the real hacienda.

(Signed) XIMENES.

On the same day I gave due notice of it to Mr. Wm. Wickoff.

(Signed) XIMENES.

I hereby certify, that the foregoing is a true and faithful translation of documents numbered 1 to 8, filed in the case of F. D. Conrad, adm'r of Wm. Wikoff, vs. the U. States.

New Orleans, May 7th, 1849.

(Signed) LS. DUVIGNEAUD.

Interp'r U. S. dist. court.

[For map, see original, page 53.]

I have surveyed for William Wikoff, jun'r, twenty thousand arpents of land, fronting on the river Amit, and bounded as follows: beginning on the east side of the aforesaid Amit, at the mouth of Buck creek, running from thence east four hundred perches to hickory; thence north eight hundred and eighteen perches to a pine; thence east four hundred and forty perches to a dogwood; thence south eight hundred and sixty perches to a black gum; thence east one hundred and thirty-eight perches to a holly, on the west bank of Darling's creek; thence down the several meanders of the same to a beech on the east bank, below Black creek; thence south eighteen hundred and twenty-nine perches to a pine; thence west two hundred perches to an iron wood; thence south one hundred perches to a beech; thence west two hundred and fifty perches to a bay; thence south two hundred and fifty perches to a holly, on the bank of Kneeland's creek; thence down the meanders of the same to its confluence with the aforesaid river Amit; thence up the said river Amit to the beginning, which will more fully appear from the annexed plat of the said survey, which is laid down at four hundred perches to the inch.

Given under my hand, this 20th day of December, 1803.

(Signed) J. JOHNSON.

[For maps, see original, pages 54, 55, and 56.]

I have surveyed for William Wikoff, jun'r, five thousand arpents of land, fronting on the Tickfaw, and bounded as follows: beginning at a bay tree on the west bank of the said Tickfaw (below Corker's) running from thence west seven hundred perches to a white oak; thence south seven hundred and fifteen perches to a hickory; thence east six hundred and ninety-nine perches to a beech on the bank of the aforesaid Tickfaw; thence up the several meanders of the said Tickfaw to the beginning, and which will more fully appear from the above plat of the said survey, which is laid down by a scale of two hundred perches to the inch.

Given under my hand, this 24th day of December, 1803.

(Signed) J. JOHNSON.

2o. The plaintiff offered in evidence the following deposition of Louis Bouligny:

U. S. district court, eastern district of Louisiana.

Saturday, May 19th, 1849.

F. D. CONRAD, administrator,
vs.
THE UNITED STATES. } 39.

Testimony taken in open court.

Louis Bouligny, esq., a witness for the plaintiff, being duly sworn, deposes as follows:

On examination of the original title papers of record herein, as Doc. A, he deposes that the signatures of the following named Spanish functionaries therein appearing, are all familiar to him, and are, in his opinion and belief, their genuine signature, to wit:

That of Salcedo, military governor, attached to petition of Wm. Wikoff, on admission, dated 26th Nov., 1801.

That of Carlos Trudeau, attached to a letter to Pintado, of 8th Oct., 1803.

Those of Morales, Carlos Ximenes, Ximenes, Ximenes, Ximenes, attached to doc. 28th Sept., 1803.

That of Cay'no Valdez, to doc. of same date.

That of Gilberto Leonard, to doc. of 3d Oct., 1803.

Those of Morales, Carlos Ximenes, Ximenes, Ximenes, attached to doc. dated 4th Oct., 1803.

Those of Carlos Ximenes, Juan Ventura Morales, Carlos Ximenes, Ximenes, Ximenes, to doc. of 8th Oct., 1803.

And that of Vicente Seb'o Pintado, attached to document dated 3d Jan'y, 1804.

The signature of J. Johnson, attached to the certificates of survey, is unknown to witness.

The two plats of survey bearing no certificate are, witness thinks, verified copies made by Carlos Trudeau of those previously made by Johnson.

In reply to a cross question propounded by the U. S. district attorney, witness states that, with the exception of Pintado, he has seen all the persons write to whose signatures he has testified above.

(Signed) L. BOULIGNY.
Attest: (Signed) ROBT. M. LUSHER,
D'y clerk and commissioner in land causes.

3o. The plaintiff offered in evidence a certified copy of letters of administration to F. D. Conrad, in the succession of Wm. Wikoff, deceased.

STATE OF LOUISIANA, *parish of East Baton Rouge.*

Know all men by these presents, that Frederick D. Conrad has been, and he is hereby, appointed administrator of the estate of the late William Wikoff, senr., of this parish, deceased, and authorized to exercise the duties of said trust, having complied with all the requisites of the law.

Given under my hand and public seal, at Baton Rouge, the eighth day of July, in the year of our Lord one thousand eight hundred and forty-one.

Signed, CH. TESSIER, *P. judge.* [L. S.]

(Endorsed.)—Clerk's office, parish of East Baton Rouge. Filed August 12, 1846.

(Signed) JOS. W. FOWLES, *Clerk.*

Clerk's office, East Baton Rouge, 6th judicial district.

I hereby certify the foregoing to be a true copy of the original on file in my office. In testimony whereof I have hereto set my hand and seal official, at Baton Rouge, this 12th day of April, A. D. eighteen hundred and forty-nine, (1849.)

(Signed) JOS. W. FOWLER, [SEAL.] *Clerk.*

The New Orleans Gas Light Company, one of the parties defendant, offered in evidence a notice, (printed,) annexed by plaintiff's counsel, to supp. petition, already copied on page 18 of this transcript.

And afterwards, at the May term of this court, to wit, on the 26th of May, 1849, the following judgment was rendered and entered of record in this case, and duly engrossed and signed on the 30th day of May, A. D. 1849, viz:

Judgment.

FREDK. D. CONRAD, administrator, &c., vs. THE UNITED STATES. } 39.

Present, hon. Theo. H. McCaleb.

This cause came on to be heard at the February term, to wit, on the 19th day of May instant, upon the petition, answer, supplemental petition, answers thereto, replication, depositions, exhibits, and proofs of record, and was thereupon submitted to the court.

And the court having maturely considered the same, and being satisfied from the evidence that a concession or grant was, in the year 1803, made by the competent authority of the province of Louisiana to William Wikoff, the intestate, whose estate is now represented by Frederick D. Conrad, administrator, of twenty thousand arpents of land, situated in the now parish of St. Helena, and State of Louisiana, and which is more particularly set forth and described in the schedule A, annexed to the original petition of plaintiff, and in the schedule B, annexed to the supplemental petition; and it appearing to the court that all the land mentioned and described in the said schedules A and B have been disposed of by the United States, and are now held and possessed by persons claiming adversely to the petitioner:

And the court being further satisfied, from the evidence contained in the said schedule A, that a further grant was made by the competent authority of the province of Louisiana, to the said William Wikoff, of five thousand arpents of land, situated on the borders of the river Tickfaw, in the parish of St. Helena, and State of Louisiana, as more particularly described in the plat of survey thereof, made by J. Johnson, and dated 24th of December, 1803, which said plat forms a part of said schedule A:

And it further satisfactorily appearing that the grantee was, at the date of said grants, a resident of the province of Louisiana; and that he, the said William Wickoff, deceased, was the true and lawful owner of the said two tracts of land by title regularly derived from the competent and lawful authority of said province of Louisiana; and that the said grants were and are good, lawful, and valid grants, made in due form, and by the proper authority under the Spanish government, to the said William Wikoff; and that the same are protected and secured to him and his legal representatives, as his and their private property, by the treaty made between the United States and the French republic, on the 30th day of April, 1803, as well as by the laws of nations, and the Constitution and laws of the United States:

Now, this court, acting under and by virtue of the act of Congress of 26th May, 1824, entitled "An act enabling the claimants to lands within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims," and also an act, passed on the 17th day of June, 1844, entitled "An act to provide for the adjustment of land claims within the States of Missouri, Arkansas, and Louisiana, and in those parts of the States of Mississippi and Alabama south of the 31st degree of north latitude, and between the Mississippi and Perdido rivers," doth order, adjudge, and decree, and it is hereby ordered, adjudged, and decreed, that the petitioner, Frederick D. Conrad, administrator of the estate of William Wikoff, deceased, is the true and lawful owner of, and has good title against the United States, the defendants, in and to, all the lands and hereditaments claimed by him as administrator as aforesaid, and which are fully described in the schedule A aforesaid, and designated in the said survey

of five thousand acres, made by the aforesaid J. Johnson, on the 24th day of December, 1803.

And it is further ordered, adjudged, and decreed, that inasmuch as it appears, by the evidence on file in this case, and contained in the said schedules A and B, that the whole of the said twenty thousand arpents of land, of which the said William Wikoff was in his lifetime the true and lawful owner, with good title against the United States, the defendants, and which are now claimed by the petitioner, Frederick D. Conrad, as administrator of his estate, is now actually possessed and occupied by persons claiming title thereto under the United States, and adversely to the petitioner, he, the said petitioner, administrator of the estate of said William Wikoff, deceased, shall be, and he is hereby, authorized to enter, in any land office in the State of Louisiana, in parcels conformable to sectional divisions and subdivisions, a like quantity, to wit, twenty thousand arpents of public lands, after the same shall have been offered at public sale.

And it is further ordered, adjudged, and decreed, that in case said five thousand arpents of land so claimed by the petitioner, and situated on the river Tickfaw, in the parish of St. Helena, or any part or portion thereof, shall have been sold, or otherwise disposed of, by the United States, said plaintiff shall be, and he is hereby, authorized to enter in any land office in the State of Louisiana, for and on behalf of the estate of the said William Wikoff, deceased, in parcels conformable to sectional divisions and subdivisions, a like quantity of public lands after the same shall have been offered at public sale.

And it is further ordered, adjudged, and decreed, that the judgment heretofore rendered pro confesso against the following named defendants, to wit: James Lilly, the City Bank of New Orleans, G. W. Hatch, Wilfred Williams, D. Williams, Rebecca Williams, the heirs of J. Hooper, the heirs of Latimore, the heirs of Leonard, the heirs of Roddy, Ann Roddy, Henry Leonard, Mrs. McCluskey, Robert Fluker, sr., Robert Fluker, jr., Amos Kent, Goodram Davis, Jessee Story, Hezekiah Thompson, Thomas Clinton, Z. Norwood, John Burton, Walthal Burton, B. Abbot, Daniel Youngblood, John Morgan, J. Carrol, Mrs. Harvin, P. Pipkin, and Zachariah Nettles, they and each of them, having failed to appear and answer, be rendered absolute and final.

And it is further ordered, adjudged, and decreed, that scrip be issued in favor of the petitioner, Frederick D. Conrad, administrator of the estate of William Wikoff, late of the parish of East Baton Rouge, deceased, in conformity with this decree, and in pursuance of the acts of Congress hereinbefore recited and approved, respectively, on the 26th of May, 1824, and 17th of June, 1844.

Judgment rendered May 26, 1849; judgment signed May 30, 1849.

(Signed,) THEO. H. McCALEB, [SEAL.]
U. S. Judge.

And further, at the same term, to wit, on the 30th of May, 1849, the following motion and order of appeal were entered of record in this case:

In open court.

F. D. CONRAD, administrator, &c., vs. THE UNITED STATES. } 39.

On motion of Logan Hunton, esq., attorney of the United States for the eastern district of Louisiana, and of Thomas J. Durant, esq., on the same behalf, and on giving the court to understand and be informed that the United States are injured and aggrieved by the judgment of this honorable court, rendered against them at this term, in the matter of Frederick D. Conrad, administrator, &c., versus the United States, and that they desire to appeal therefrom:

It is thereupon ordered by the court, that an appeal be allowed in favor of the United States from the judgment in the case aforesaid, returnable to the Supreme Court of the United States, at the next term thereof after the date of this order.

Finis.

UNITED STATES OF AMERICA,
Eastern district of Louisiana.

I, Needler R. Jennings, clerk of the district court of the United States, sitting at New Orleans, in and for said district, do hereby certify, that the foregoing sixty-three folios, (with large plat between folios 7 and 8, and including plans on folios 53–'4–'5–'6,) and (64th) 22 lines, contain and form a true, faithful, correct, and complete transcript of all the proceedings, process, pleadings, documents, and other matters of file and of record in a certain cause in chancery, wherein F. D. Conrad, administrator of Wm. Wikoff, is plaintiff, and the United States are defendants; No. 39 of the land docket of said court.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at the city of New Orleans, this fifteenth [L. S.] day of September, one thousand eight hundred and forty-nine, and the 74th year of American independence.

N. R. JENNINGS,
Clerk U. S. district court, eastern district Louisiana.

I, Theodore H. McCaleb, judge of the district court of the United States, for the eastern district of Louisiana, do certify, that N. R. Jennings, who subscribed the above certificate, was at the time of signing the same, and is now, the duly appointed and legally authorized clerk of said court; that full faith and credit are due and ought to be given to all his attestations as such clerk, and that his above certificate is in due form of law.

Witness my hand and seal, at New Orleans, this twenty-fifth day of September, A. D. 1849.

THEO. H. McCALEB. [SEAL.]

The United States of America, to Frederick D. Conrad, residing in Baton Rouge, La., administrator of the estate of Wm. Wikoff, late of said town and State, now deceased, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington on the first Monday of December next, pursuant to an order of appeal granted, on the thirtieth day of May, 1849, by the district court of the United States, in and for the eastern district of Louisiana, in a certain cause in chancery, (under the acts approved May 26th, 1824, and June 17th, 1844, entitled) (No. 39,) F. D. Conrad, administrator, &c., vs. the United States, wherein the said United States of America are now appellants, and you are appellee, to show cause, if any there be, why the judgment rendered against the appellants, as in the said order of appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness hereto my hand and the seal of the said court, at the city of New Orleans, this twenty-fourth day of September, A. D. 1849. [L. S.]

THEO. H. McCALEB, [SEAL.]
Judge of U. S. district court, eastern district of Louisiana.

T. G. MORGAN &
J. W. GURLEY, *Attorneys.*

Attest: ROBT. M. LUSHER, *D'y Clerk.*

Marshal's return.

Received October 9th, 1849, and on the 17th October, 1849, served copy of the within citation of appeal on J. W. Gurley, esq., of counsel of plaintiff, who hereon endorsed acceptance of service thereof.

Returned October 19, 1849.

CHAS. A. LABUZAN, *D'y marshal.*

Received October 9th, 1849, service accepted. New Orleans, 17th October, 1849.

G. W GURLEY,
Of counsel for plaintiff.

Return registered, Oct., 1849.

ROBT. M. LUSHER, *D'y Clerk.*